

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1553 of 2016**

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Gaya Prasad Singh

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh

For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 23-12-2016

The learned counsel for the petitioner submitted that

by mistake against the deemed decree, the petitioner has filed this Civil Miscellaneous Application. According to the learned counsel, by the impugned order, the plaint has been rejected under Order 7 Rule 11 of the Code of Civil Procedure, which is a decree. Therefore, he may be permitted to withdraw this Civil Miscellaneous Application with liberty to file the appeal.

The learned counsel for the State is not disputing this legal position.

In view of above submission of the learned counsel for the petitioner, he is permitted to withdraw this Civil Miscellaneous Application with liberty to file the appeal before the court concerned.

Thus, this Civil Miscellaneous Application is dismissed as withdrawn with aforesaid liberty.

(Mungeshwar Sahoo, J)

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